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DATE FILED: August 30, 2021

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERMAN MILLER, INC. and
THE ISAMU NOGUCHI FOUNDATION
AND GARDEN MUSEUM,

Plaintiffs,

v.

MANHATTAN HOME DESIGN LLC,
BARCELONA DESIGNS,
DANIEL JAVIER LEVY, and LIVING
GROUP LLC,

Defendants.

Case No. 20-cv-6172-ALC

CONSENT JUDGMENT

This stipulated Consent Judgment shall fully dispose of all claims in this action by Plaintiffs Herman Miller, Inc. (“Herman Miller”) and The Isamu Noguchi Foundation and Garden Museum (“The Noguchi Museum”) against Defendants Manhattan Home Design LLC, Barcelona Designs, Daniel Javier Levy, and The Living Group LLC (collectively, “Defendants”).

Plaintiffs filed this action asserting intellectual property rights in the designs and brand names shown in EXHIBIT A appended hereto. Accused infringing products and uses are shown in EXHIBIT B appended hereto.

From the date of this Judgment going forward:

- 1) Defendants shall not manufacture, have manufactured, advertise, market, sell, or otherwise distribute the products shown in EXHIBIT B, including any of the same or substantially similar appearance, regardless of model designation, upholstery type, or color;
- 2) Defendants shall not otherwise manufacture, have manufactured, market, sell or otherwise distribute any products that are confusingly similar to the asserted trade dress rights depicted in EXHIBIT A;

3) Defendants shall not use any of the brand names identified in EXHIBIT A – or any names confusingly similar thereto – in connection with the marketing or sale of furniture, office equipment, or housewares, except in accordance with principles of fair use and/or trademark exhaustion under controlling law; and

4) Defendants shall not aid or encourage any other entity to engage in the foregoing activities.

The Court shall retain jurisdiction to enforce this Stipulated Judgment and the Settlement Agreement between the parties. Each party is to bear their own costs and fees relating to claims in this action.

DATED: August 30, 2021



ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

EXHIBIT A.1

Design Rights

EXHIBIT A.1.1

Eames Aluminum Group

Currently-Existing U.S. Registrations:

TM Reg. No. 3,105,591



EAMES

Thin Pad Management Chair





EAMES

Thin Pad Management Chair
(color variant examples)





EAMES

Thin Pad Management Chair
("Cygnus" Upholstery)





EAMES

Thin Pad Cygnus Management Chair (black frame)





EAMES Thin Pad Side Chair





EAMES

Thin Pad Side Chair (white)





EAMES Thin Pad Executive Chair





EAMES

Thin Pad Executive Chair (white)





EAMES

Thin Pad Executive Chair
("Cygnus" Upholstery)





EAMES

Thin Pad Executive Chair (black frame)





EAMES Thin Pad Lounge Chair





EAMES

Soft Pad Management Chair





EAMES

Soft Pad Management Chair (white)





EAMES Soft Pad Side Chair





EAMES
Soft Pad Side Chair (white)





EAMES Soft Pad Executive Chair





EAMES

Soft Pad Executive Chair (white)





EAMES Soft Pad Lounge Chair



EXHIBIT A.1.2

Eames Lounge Chair and Ottoman

Currently-Existing U.S. Registrations:

TM Reg. No. 2,716,843

TM Reg. No. 5,767,140







EXHIBIT A.1.3

Sayl Chair

Currently-Existing U.S. Registrations:

TM Reg. No. 5,332,550

Design Patents: *see*

<https://www.hermanmiller.com/legal/patents/>

For avoidance of doubt, also specifically included as part of the intellectual property covered by this Agreement is U.S. Utility Patent No. 8.449,037, which Herman Miller believes covers the mechanical construction of the backrest of the accused "Santer" chair and equivalents.









EXHIBIT A.1.4

Setu Chair

Currently-Existing U.S. Registrations:

TM Reg. No. 5,174,864

Design Patents: *see*

<https://www.hermanmiller.com/legal/patents/>







EXHIBIT A.1.6

Nelson Bench

Currently-Existing U.S. Registrations:

TM Reg. No. 5,672,151



EXHIBIT A.1.10
NOGUCHI TABLE

TM Reg. No. 2,648,166




EXHIBIT A.2

Word Marks

- EAMES (Reg. No. 1,187,673)
- ALUMINUM GROUP
- SOFT PAD (as names for office chairs)
- EAMES LOUNGE CHAIR AND OTTOMAN
- NOGUCHI (Reg. Nos. 2,810,235 and 2,971,300)

EXHIBIT B

Accused Conduct



Ribbed Management Chair

\$ 379 ~~\$ 2294~~ | 84% OFF **SALE**

★★★★★ 12 CUSTOMER REVIEWS

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

Office Chairs are synonyms with productivity, efficiency, and elegance. Expertly built on a five-point base and corrosion-resistant and die-cast tubular steel columns, wrapped in premium Italian aniline leather.

Color

Choose an option


Material

Italian

Clear

1

ADD TO CART



SALE

Ribbed Management Office Chair

~~\$589.00~~ **\$379.00** Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items **IN STOCK** - Ships in 24 hours

Color: Black

☒


☐


QUANTITY:

1

Add to Cart

This Item Ships for Free! Save \$100





Style Office Chair

\$139 ~~\$999~~ | 86% OFF **SALE**

★★★★★ (2 CUSTOMER REVIEWS)


- Supportive and Stylish design, outfitted with Expertly Crafted Premium Synthetic Leather Upholstery
- Flexible curvature alignment of back for optimal Lumbar Support
- Soft, ribbed padding for added comfort and breathability
- Mid-Century Modern Aluminum alloy chrome frame and base - fully finished.
- Pneumatic height adjustment mechanism with Tilt-Lock

Color

Black

▼

Clear




SALE


Style Office Chair

~~\$199.00~~ **\$139.00** Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Color: Black





QUANTITY:

1 ▼

Add to Cart

This Item Ships for Free! Save \$199

Ships in 1-3 business days* with free **FedEx** Insured Delivery



Runway Mid Back Fabric Office Chair

\$392.00 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!
Extra 10% Off Sitewide + Free Coat Rack
Use Code: AUTUMN - Ends in 2 Days
Items IN STOCK - Ships in 24 hours

Color: Black



QUANTITY: 1 ▾

Add to Cart

This Item Ships for Free! Save \$199
Ships in 1-3 business days* with free **FedEx** Insured Delivery



Softpad Executive Chair

\$ 379 ~~\$ 2394~~ | 84% OFF **SALE**

★★★★★ (2 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

The Softpad Executive Chair is our adaptation to the iconic Office Chairs. Featuring a five-point base, tubular steel columns, and soft pad back and seat in aniline leather.

Color	Material	
<div>Black ▾</div>	<div>Italian ▾</div>	Clear

5 in stock





Runway Mid Back Fabric Office Chair

\$392.00 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!
Extra 10% Off Sitewide + Free Coat Rack
Use Code: AUTUMN - Ends in 2 Days
Items **IN STOCK** - Ships in 24 hours

Color: Black



QUANTITY: 1

Add to Cart

This Item Ships for Free! Save \$199
Ships in 1-3 business days* with free **FedEx** Insured Delivery



Runway Mid Back Fabric Office Chair

\$ 263 ~~\$ 263~~ | 0% OFF **SALE**

Color
Choose an option

1 **ADD TO CART**

Same Day Free Shipping **FedEx** (\$250 Value)
No tax outside of NY

SHARE:



Em Office Chair Mid Back

\$596.40 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Christmas in July
Extra 10% Off + Free Eames Coat Rack Replica (\$29)
Use Code: JULYSALE - Ends in 2 Days
Items IN STOCK - Ships in 24 hours

Color: Black



QUANTITY: 1 ▼

Add to Cart

This Item Ships for Free! Save \$1

Ships in 1-3 business days* with free **FedEx** Insured



Softpad Management Chair

\$ 379 ~~\$2394~~ | 84% OFF **SALE**

★★★★★ (2 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

Softpad Management Chairs are our new interpretation of the iconic 1969 Office Chair. Featuring a chromed aluminum frame and aniline Italian leather cushions for maximum comfort and durability.

Color	Material	
White ▼	Italian ▼	Clear

3 in stock



SALE

Soft Pad Management Office Chair

~~\$699.00~~ **\$379.00** Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items **IN STOCK** - Ships in 24 hours

Color: Black



QUANTITY: 1 ▼

Add to Cart

This Item Ships for Free! Save \$199



Engineer Low Back Office Chair Black

\$557.00 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items **IN STOCK** - Ships in 24 hours

QUANTITY: 1 ▼ CURRENT STOCK: 1

Add to Cart

This Item Ships for Free! Save \$199

Ships in 1-3 business days* with free **FedEx** Insured Delivery



Scientist Low Back Office Chair Blk & Gd

\$641.00 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!
Extra 10% Off Sitewide + Free Coat Rack
Use Code: AUTUMN - Ends in 2 Days
Items IN STOCK - Ships in 24 hours

QUANTITY: CURRENT STOCK: 16

Add to Cart

This Item Ships for Free! Save \$199
Ships in 1-3 business days* with free **FedEx** Insured Delivery



Softpad Executive Chair

\$ 379 ~~\$ 2394~~ | 84% OFF **SALE**

★★★★★ (2 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

The Softpad Executive Chair is our adaptation to the iconic Office Chairs. Featuring a five-point base, tubular steel columns, and soft pad back and seat in aniline leather.

Color Material [Clear](#)

5 in stock

ADD TO CART



SALE

Soft Pad Executive Office Chair

~~\$699.00~~ **\$379.00** Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items IN STOCK - Ships in 24 hours

Choose Leather: Premium Italian



Color: Black



QUANTITY: 1 ▾

Add to Cart

Engineer High Back Office Chair Espresso

\$585.00 Reviews ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items IN STOCK - Ships in 24 hours


QUANTITY: 1 ▾ CURRENT STOCK: 9

Add to Cart

This Item Ships for Free! Save \$199

Ships in 1-3 business days* with free **FedEx** Insured Delivery





Ribbed Office Executive Chair

\$ 379 ~~\$ 2,294~~ | 84% OFF **SALE**

★★★★★ (2 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

Our Ribbed Office Chairs are synonyms with productivity, efficiency, and elegance. Each one is designed on a five-point base and corrosion-resistant and die-cast tubular steel columns, wrapped in premium Italian aniline leather.

Color

Black


Material

Italian

Clear

1

ADD TO CART



Mid Century Lounge Chair & Ottoman

\$ 1,149.00 ~~\$ 6,599.00~~ | 83% OFF **SALE**

★★★★★ (8 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

Our Mid century Lounge Chair and Ottoman, the most iconic representation of mid-century modern design. Featuring Italian Aniline Leather, High-density Cushions, and 7-ply veneers shell veneers.
"Voted #1 Replica"

Color

Black

Veneer

Palisander Wood



Classic Lounge Chair & Ottoman Black

Price **\$994** See why people like us ★★★★★

Select **affirm** at checkout, pay less than \$3 a day

Fantastic Fall Sale!


Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days


Items **IN STOCK** - Ships in 24 hours


Choose Veneer:






Choose Leather:








Choose Assembly: ?

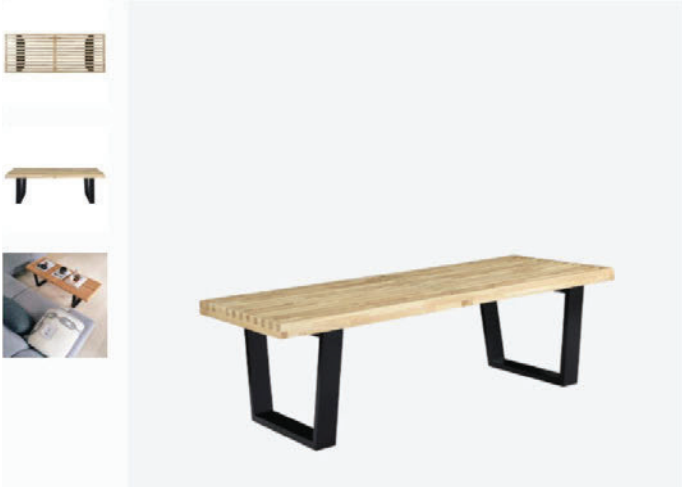
☒ 90% Assembled

☐ Expert Fully Assembled(+\$199)

Quantity:

1

 In Stock & Ready to Ship Within 24 hours via **FedEx**



Nelson Bench 4 Feet

\$ 199 ~~\$ 799~~ | 75% OFF **SALE**

Color

Brown


▼


Clear

22 in stock


1

ADD TO CART

 Same Day Free Shipping **FedEx** (\$250 Value)
No tax outside of NY



~~\$399.00~~ **\$199.00** Reviews ★★★★★

Select  at checkout, pay less than \$3 a day


Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack

Use Code: AUTUMN - Ends in 2 Days

Items **IN STOCK** - Ships in 24 hours

Color: Natural




QUANTITY:

1 ▼

Add to Cart


This Item Ships for Free! Save \$199



SALE

Noguchi Table

~~\$699.00~~ **\$499.00** Reviews ★★★★★

Select  at checkout, pay less than \$3 a day

Fantastic Fall Sale!

Extra 10% Off Sitewide + Free Coat Rack


Use Code: AUTUMN - Ends in 2 Days

Items **IN STOCK** - Ships in 24 hours

Color: Black









QUANTITY:

1 ▼



Noguchi Table

\$ 499 ~~\$ 1995~~ | 75% OFF SALE

★★★★★ (2 CUSTOMER REVIEWS)

Extra 10% Off + 5 Year Warranty (\$400 Value)
Use Code: FALL10

Noguchi Table means sculptural wood base and tempered glass tabletop in a literal perfect balance merging artistry and furniture. Inspired by the renowned Japanese sculptor Isamu Noguchi's mid-century modern design.









Rare Coffee Table

\$ 537 ~~\$ 537~~ | 0% OFF SALE

Color
Choose an option ▼

1 ADD TO CART

🚚 Same Day Free Shipping FedEx (\$250 Value)
No tax outside of NY

		
<p>Eames Lounge Chair & Ottoman...</p> <p>\$994.00</p> <p>Manhattan Hor</p> <p>Special offer</p>	<p>Eames Molded Plastic Side Chair Set Of ...</p> <p>\$544.00</p> <p>Manhattan Hor</p> <p>Special offer</p>	<p>Eames Office Chair - Soft Pad Executiv...</p> <p>\$399.00</p> <p>Manhattan Hor</p> <p>Special offer</p>
		
<p>Eames Office Chair Ribbed Management...</p> <p>\$389.00</p> <p>manhattanhom</p> <p>★★★★★ (8)</p>	<p>Eames Molded Chair - White Replica sold ...</p> <p>\$236.40</p> <p>Manhattan Hor</p> <p>Special offer</p>	<p>Eames Office Chair - Ribbed Management...</p> <p>\$389.00</p> <p>Manhattan Hor</p> <p>Special offer</p>

www.manhattanhomedesign.com/ ▼ (646) 655-8370

Manhattan Design Eames - Manhattan Home Design

High Quality and Affordable High End Furniture. Large Selection of Furniture and Lighting. Spectacular Modern Designs of Mid-Century Furniture. Enjoy Deals Today! Fast delivery 1-3 day. Top Rated. Highest Quality. In Stock & Ready To Ship. BBB Accredited.

manhattanhomedesign.com › classic-lounge-chair-ottoman-brown ▼

Eames Lounge Chair and Ottoman - Manhattan Home Design

★★★★★ Rating: 4 - 5 votes - \$1,441.00

Its designers, Charles and ray **Eames**, had originally intended to give it the look and feel of a well worn first Baseball mitt. It led to the creation of the **Manhattan** ...

manhattanhomedesign.com › eames-aluminum-group-executive-offic... ▼

Eames Executive Chair - Eames Office Chair - Manhattan ...

★★★★★ Rating: 5 - 9 votes

Check out the **Eames** Executive Chair Replica by **Manhattan Home Design**, ... **Soft Pad** for added comfort; Strengthened **Aluminum** base for easy movements ...

manhattanhomedesign.com › eames-office-chair-soft-pad-managemen... ▼

Eames Soft Pad Management Chair | Manhattan Home Design

★★★★★ Rating: 5 - 5 votes - \$399.00

Order your **Eames Soft Pad** Management Chair from **Manhattan Home Design**. An original design by Charles and Ray Eames. In stock and ready to ship for free!

manhattanhomedesign.com › noguchi-tribecca-coffee-table ▼

Noguchi Table | Mid-Century Modern | Manhattan Home Design

★★★★★ Rating: 5 - 4 votes - \$599.00

Shop for the Best **Noguchi** Table Replica by Isamu **Noguchi** in **Manhattan Home Design**. Available with a Tempered Glass Top and a Hand Carved Wooden ...

www.manhattanhomedesign.com › nelson-bench-eei-176 ▼

Nelson Bench 5 - Manhattan Home Design

★★★★★ Rating: 5 - 1 vote

Find in **Manhattan Home Design** the best collection of mid-century modern furniture, lighting, and high-quality reproductions from the world's top designers.

[www.barcelona-designs.com › how-is-our-eames-lounge-chair-replica...](#) ▼

How is our Eames Lounge Chair made? | Barcelona Designs

Jul 24, 2019 - **Eames** Lounge Chairs and Ottoman officially titled **Eames** Lounge (670) and Ottoman (671), were released in 1956 by Charles and Ray **Eames** ...

[www.barcelona-designs.com › styling-with-the-eames-lounge-chair](#) ▼

Styling with the Eames Lounge Chair | Barcelona Designs

May 28, 2019 - The **Eames** lounge chair replica is a midcentury lounge chair of the highest order. No other chair from the midcentury movement has risen with ...

[www.barcelona-designs.com › eames-softpad-executive-chair](#) ▼

Executive Chair | FREE SHIPPING! | Barcelona Designs

★★★★★ Rating: 4.5 - 2 reviews - \$399.00 to \$449.00 - In stock

Sale · Free Swatch · Home / Shop / Best Sellers, Mid Century, Office Chairs / Softpad Executive Chair. **eames** office chair replica. **EAMES** SOFTPAD EXECUTIVE ...

[www.barcelona-designs.com › eames-lounge-chair-customer-gallery](#) ▼

Eames Lounge Chair - Customer Gallery | Barcelona Designs

Evelyn Moore Next Back 1 **Eames** Lounge Chair & Ottoman Replica \$1099 Inspired by Charles and Ray **Eames** Buy Now 2 Plywood Chip Chair \$399 Buy Now 3 ...

[www.barcelona-designs.com › product-image-13856](#) ▼

Eames Aluminum Group Style Softpad Management Chair ...

Jun 20, 2019 - Telephone: 1-646-340-3033 customerservice@**barcelona-designs.com** 09:00 AM – 06:00 PM EST (Mon – Fri) Closed on National Holidays.

[www.barcelona-designs.com › tag › eames-office-chair-aluminum-gr...](#) ▼

Eames Office Chair Aluminum Group style Executive Chair ...

Canada, M2R 1X9 Telephone: 1-646-340-3033 customerservice@**barcelona-designs.com** 09:00 AM – 06:00 PM EST (Mon – Fri) Closed on National Holidays.



Salam Chair
(see Herman Miller Setu Chair)



Santer Chair
(see Herman Miller Sayl Chair)